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DIRECTORS OFFICE

AUG 28 2006

TECHNOLOGY CENTER 2800

In re Application of: DORIS et al
Application No. 10/710272
Filed: 06/30/2004
Attorney Docket No. FIS920030389US1

Decision on Petition

This is a decision on the petition filed under 37 C.F.R. § 1.181 on July 3, 2006 to withdraw the finality of previous office action.

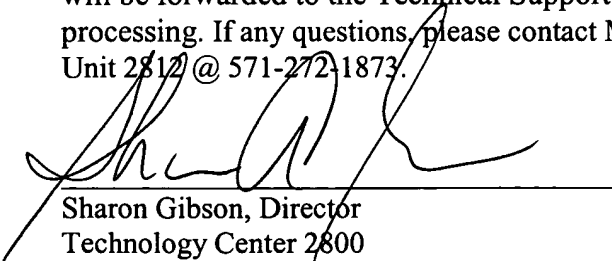
The petition is GRANTED.

According to MPEP 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Applicants filed a declaration under 37 CFR 1.131 on February 23, 2006 in response to the Non-Final Office Action mailed September 7, 2005 overcoming the 102 (e) reference of Sakuguchi and the 103 (a) rejection of Sakaguchi and in further view of Hareland. In the Final Office Action mailed June 2, 2006, Examiner finally rejected all claims under 102 (e) as being anticipated by the Hareland reference thus presenting a new ground of rejection.

The finality of the final rejection mailed June 2, 2006 is hereby withdrawn. The application file will be forwarded to the Technical Support Staff for Technology Center 2800 for further processing. If any questions, please contact Michael Lebentritt Supervisory Patent Examiner Art Unit 2812 @ 571-272-1873.


Sharon Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components